

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----x
KENNETH A. McCREADY,

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #: _____
DATE FILED: May 6, 2008

Plaintiff,

-against-

07 Civ. 7705 (DAB)
MEMORANDUM AND
ORDER TO SHOW CAUSE

NATIONAL CREDIT SYSTEMS, INC., et al.,

Defendants.

-----x
DEBORAH A. BATTS, United States District Judge.

The Court's records indicate that Plaintiff's Complaint was filed on August 29, 2007. The Court's records further indicate that Defendant National Credit Systems, Inc. ("NCS") accepted service of the Summons and Complaint in this action and that the Affidavit of Service was filed on December 27, 2007.

Now before the Court are Plaintiff's "Motion for Leave to Participate through the ECF System" and "Motion for Leave to begin Discovery," filed together on April 15, 2008. Under Local Civil Rule 1.3, provision of a password and login for use on the Court's Electronic Case Filing system ("ECF") is contingent upon application and admission to the Bar of this Court. Under the Federal Rule of Civil Procedure 26, discovery does not commence until an action is fully joined.

In this case, Plaintiff argues that he should be allowed to file documents using the ECF system because the Court's Pro Se Office because "[t]hey don't understand him." (ECF Mot. ¶ 1.) He claims that the Pro Se Office "won't issue summonses, or file the Plaintiff's other submissions." (Id. ¶ 4.) He insists that "Defendant NCS has been served, it's just a matter of convincing, somehow, the pro se office to actually file the process server's affidavit of service, which they refuse to do." (Id. ¶ 7.) Plaintiff also argues that he should be permitted to commence discovery because such discovery will enable him to identify the John Does in this case, and will expedite a resolution of this case through settlement. (Disc. Mot. ¶¶ 4, 5.)

If Plaintiff wants to use the Court's ECF system, he must abide by the Local Civil Rules; in other words, he must apply and be admitted to the bar of this Court. Accordingly, the Court hereby DENIES Plaintiff's motion to participate in the ECF filing system. Moreover, in light of the fact that Defendant NCS has accepted service in this case, the Court has entered an Order of Reference which refers this action to Magistrate Judge James C. Francis, IV for general pre-trial activity, including scheduling,

discovery, non-dispositive pretrial motions and settlement. Thus, Plaintiff's motion to commence discovery DENIED as moot.

SO ORDERED.

Dated: New York, New York
May 1, 2008


Deborah A. Batts
Deborah A. Batts
United States District Judge